



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

ELP
Docket No. 5525-00
27 November 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps Reserve on 11 October 1950 and were ordered to active duty on that same day. The record reflects that you were advanced to PFC (E-3) and served without incident until 27 April 1951, when you were convicted of a 29 day period of unauthorized absence. You were sentenced to confinement at hard labor for 45 days and forfeitures of \$30 per month for six months. On 5 May 1951 the convening authority reduced the forfeitures of pay to \$20 per month for six months and suspended the confinement for a period of six months.

On 1 September 1951 you were convicted by general court-martial of a 67 day period of UA, from 2 August to 8 October 1951. You were sentenced to confinement at hard labor for four months, forfeitures of \$40 per month for four months, reduction in rank to PVT (E-1), and a bad conduct discharge. The Navy Board of Review affirmed the findings and the sentence and you received the bad conduct discharge on 15 February 1952.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, good post-service conduct, and the fact that it has been more than 48 years since you were discharged. The Board noted the statements from your wife and children attesting to the dedication and devotion you had for your family, the UA which led to your conviction and discharge was the result of your mother being seriously ill, and the litany of contentions from a service representative's handbook for which you provide no corroborating evidence. The Board concluded that the foregoing factors, statements, and contentions were insufficient to warrant recharacterization of your discharge given your record of a summary court-martial and a general court-martial conviction in only 16 months of service. The Board noted the aggravating factor that your prolonged period of UA was during the period of the Korean conflict. Your lost time due to UA and military confinement totalled more than five months. The Board concluded that you were guilty of too much misconduct to warrant recharacterization to honorable or under honorable conditions. Your conviction and discharge were effected in accordance with applicable law and regulations, and the discharge appropriately characterizes your service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director